

ABSTRACT - CRIMINAL LIABILITY IN MEDICAL LAW

The purpose of my thesis is to analyse criminal liability of healthcare professionals and paramedical staff. The thesis is composed of seven chapters. The first chapter is introductory and reveals my objections.

Chapter Two provides definition of liability in general. Furthermore, civil, administrative, disciplinary and employee's liability are discussed and compared to criminal liability. The aim is to explain differences and similarities of individual liabilities and to clarify that criminal liability serves as a last resort (the ultima ratio principle).

Chapter Three explains requirements for criminal liability. Especially, criminal offence, unlawfulness and defences are discussed and compared to the Dutch regulation.

Chapter Four concentrates on criminal liability of natural persons. The first part of this chapter is about offender; the minimum age for criminal responsibility and sanity are examined. The second part lists and describes some major crimes.

Chapter Five looks at The Criminal Liability of Legal Persons Act. Besides, liberation from the criminal liability of legal persons is discussed. The Chapter recommends preventive and reactive measures to be adopted by health care institutions.

The topic of the Sixth Chapter is the termination of life on request. It describes development of this problematic in the Czech law. Furthermore, the chapter is dedicated to the Dutch regulation, especially to The Termination of Life on Request and Assisted Suicide Review Act (Euthanasia Act). The criteria which attending physician must meet in order to be exempt from criminal liability are discussed. Moreover, the chapter deals with four principles that underlie the Euthanasia Act and with the Dutch social and medical environment.

Conclusions are drawn in Chapter Seven. Concerning the problem of euthanasia, based on my comparison of the Dutch and the Czech criminal law, I conclude that since the law rests on social and medical preconditions it cannot simply be imported to the other countries. The way of legalization of euthanasia must be carefully reconsidered before it can be applied elsewhere.